Congress of the United States Washington, DC 20515

952

November 8, 2017

The Honorable Ajit V. Pai Chairman Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Dear Chairman Pai:

We write to raise serious concerns regarding your proposal to essentially eliminate the existing broadcast TV ownership rules with virtually no public input. This action, taken by way of a Reconsideration Order, is an obvious attempt to evade the notice and comment requirements that should accompany a decision of this magnitude.

The draft you released on October 27 takes steps akin to a statutorily-required Quadrennial Review of these same rules. Yet the sweeping deregulation, done at the behest of Sinclair Broadcast Group, among others, will provide the public with almost no opportunity to offer input and relies on data from three years ago. Using such tactics is contrary to prior reviews by the Commission, shirks the Commission's duties under the Administrative Procedures Act, and is a disservice to the public interest.

Americans care strongly about these issues, as evidenced by the high level of public participation in the Sinclair-Tribune merger. Aside from the parties to the applications, practically all of the public comments in that merger docket are strictly opposed due to concerns about consolidation and the impact on local news. The local TV ownership rule changes you propose to make in this Reconsideration Order effectively pave the way for Sinclair to merge with Tribune without any divestitures at the local level, but at a serious cost to diversity of viewpoint from local news outlets.

This path of least resistance to approval appears only to benefit the few at the cost to the many. Americans rely on their local TV broadcasters for local and diverse content. It is frightening to imagine what the future holds if the Commission votes in favor of your proposal. There will be few boundaries for Sinclair—or other broadcasters—from consolidating the use of these important public airwaves into fewer and fewer hands.

We request that you seek additional public comment on these proposed rule changes. A transparent and open process will allow for a more thorough debate and better inform the Commission with current data before it takes such dramatic action.

Sincerely,

JERRY MCNERNEY

Member of Congress

MIKE DOYLE

Member of Congress



My otte O. Clarke YVETTE D. CLARKE Member of Congress

JAN SCHAKOWSKY Member of Congress

PETER WELCH Member of Congress

JOSEPH P. KENNEDY, III Member of Congress

DIANA DEGETTE Member of Congress TONY CARDENAS Member of Congress

BEN RAY LUJAN Member of Congress

PAUL D. TONKO Member of Congress

BOBBY L. RUSH Member of Congress

ELIOT L. ENGEL Member of Congress



December 19, 2017

The Honorable Tony Cárdenas U.S. House of Representatives 1510 Longworth House Office Building Washington, D.C. 20515

Dear Congressman Cárdenas:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

Turning to the merits of the Commission's decision to modify the Local Television Ownership Rule, the Reconsideration Order eliminated the requirement that at least eight independently owned television stations must remain in a market following the combination of two television stations in that market. As explained in the Reconsideration Order, this "eightvoices test" was not supported by any evidence in the record or economic literature. Moreover, eliminating this requirement will allow broadcasters, particularly in small and mid-sized markets, to realize the benefits of common ownership and better serve their local communities.

The Order also modified the prohibition against common ownership of two top-four rated stations in a local market. Specifically, it added an option for applicants to seek case-by-case review of a particular transaction in order to account for circumstances in which strict application of the Top-Four Prohibition may be unwarranted. This hybrid approach allows the Commission to ensure that application of the Top-Four prohibition is appropriate in a particular case and, importantly, does not relieve the Commission from its obligation to ensure that grant of an application proposing a top-four combination serves the public interest, convenience, and necessity pursuant to Section 310(d) of the Communications Act of 1934, as amended.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai



December 19, 2017

The Honorable Yvette D. Clarke U.S. House of Representatives 2058 Rayburn House Office Building Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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December 19, 2017

The Honorable Diana DeGette U.S. House of Representatives 2368 Rayburn House Office Building Washington, D.C. 20515

Dear Congresswoman DeGette:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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December 19, 2017

The Honorable Debbie Dingell U.S. House of Representatives 116 Cannon House Office Building Washington, D.C. 20515

Dear Congresswoman Dingell:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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Ajit V. Pai



December 19, 2017

The Honorable Mike Doyle U.S. House of Representatives 239 Cannon House Office Building Washington, D.C. 20515

Dear Congressman Doyle:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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December 19, 2017

The Honorable Eliot L. Engel U.S. House of Representatives 2462 Rayburn House Office Building Washington, D.C. 20515

Dear Congressman Engel:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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December 19, 2017

The Honorable Joseph P. Kennedy U.S. House of Representatives 434 Cannon House Office Building Washington, D.C. 20515

Dear Congressman Kennedy:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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December 19, 2017

The Honorable Ben Ray Luján U.S. House of Representatives 2231 Rayburn House Office Building Washington, D.C. 20515

Dear Congressman Luján:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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December 19, 2017

The Honorable Jerry McNerney U.S. House of Representatives 2265 Rayburn House Office Building Washington, D.C. 20515

Dear Congressman McNerney:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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December 19, 2017

The Honorable Bobby L. Rush U.S. House of Representatives 2188 Rayburn House Office Building Washington, D.C. 20515

Dear Congressman Rush:

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FEDERAL COMMUNICATIONS COMMISSION Washington

December 19, 2017

The Honorable Jan Schakowsky U.S. House of Representatives 2367 Rayburn House Office Building Washington, D.C. 20515

Dear Congresswoman Schakowsky:

Thank you for your letter regarding the Media Ownership Reconsideration Order. In addressing the petitions for reconsideration of the FCC's 2016 Media Ownership Order, the Commission followed its normal process. Specifically, each petition for reconsideration was put out for public comment, and the Commission received comments supporting and opposing these petitions. As a result, any suggestion that the Commission's handling of these petitions was procedurally infirm is wholly without merit.

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Ajit V. Pai



December 19, 2017

The Honorable Paul Tonko U.S. House of Representatives 2463 Rayburn House Office Building Washington, D.C. 20515

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The Honorable Peter Welch U.S. House of Representatives 2303 Rayburn House Office Building Washington, D.C. 20515

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